

SJ39

The Motor Vehicle Division - Records and Driver Control Bureau tallies Alcohol Conviction Information via disposition reports that result in driver license suspensions. The information retained by the Motor Vehicle Division confirms that there has been a steady increase in the number of alcohol convictions that are reported. In and of itself, however, the increase in enforcement and driver license suspensions has not been adequate to reduce the harm that is resulting to Montana citizens because of driving that is impaired by alcohol.

Montana operates within a decentralized criminal justice system. There are at least 128 state and local law enforcement agencies and 158 courts of limited jurisdiction. Each entity strives to work within current law; making the best use of available resources, and applying the discretion that is deemed necessary to bring about positive impacts for law abiding citizens as well as offenders who are arrested or convicted.

Today, driving while impaired by alcohol is impacted by more than a dozen Montana statutes. These laws include, but are not limited to:

Montana Code Annotated § 61-5-208
Period of Suspension or Revocation
Special Conditions for Felony DUI Conviction

Montana Code Annotated § 61-8-401
DUI

Montana Code Annotated § 61-8-402
Implied Consent

Montana Code Annotated § 61-8-406
BAC 0.08% Non- CMV, 0.04% CMV

Montana Code Annotated § 61-8-410
Under 21 Years of Age BAC 0.02%

Montana Code Annotated § 61-8-440-441
Ignition Interlock

Montana Code Annotated § 61-8-442
Interlock Requirements
Enhanced Penalty for 1st Offense

Montana Code Annotated § 61-8-714
Fine / Jail

Montana Code Annotated § 61-8-722
Penalty for 1st- 3rd Offense

Montana Code Annotated § 61-8-731
Penalty for 4th or Subsequent Offense

Montana Code Annotated § 61-8-732
Excessive Alcohol Concentration - A - C - T

Montana Code Annotated § 61-8-733
Forfeiture or Interlock (2nd 12 Months)

The end result is a confusing patchwork of not only laws, but organizations dedicated to using those laws to solve the problem. The end result are offenders that fall through the cracks in many instances, and a continuous erosion of legal intent.

A study is necessary to use the leadership of the Montana State Legislature to focus efforts of various groups and interests to come up with a workable solution to a problem that kills approximately eighty to one hundred of our citizens every year, and injures many times that number. The proponents urge quick passage of SJ39, and a ranking that ensures the study will occur.